

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

KRISTI GASPARD * **CIVIL ACTION NO. 05-0195**
VERSUS * **MAGISTRATE JUDGE HILL**
COMMISSIONER OF * **BY CONSENT OF THE PARTIES**
SOCIAL SECURITY

JUDGMENT

For the reasons set forth in the Ruling issued on this date,

IT IS ORDERED, ADJUDGED AND DECREED that the Commissioner's previous administrative decision is **REVERSED** and this action is **REMANDED** to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g).⁴ This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to send the Medical Source Statement to Dr. Salama and direct him to answer the section which asked how often claimant's impairments or treatments would cause her to be absent from

⁴A fourth sentence remand constitutes a “final judgment” that triggers the filing period for an EAJA fee application. *Shalala v. Schaeffer*, 509 U.S. 292, 113 S.Ct. 2625, 2631 (1993); *Freeman v. Shalala*, 2 F.3d 552 (5th Cir. 1993).

work. Additionally, the ALJ should obtain an updated physical residual functional capacity assessment from at least one of claimant's treating physicians based on the updated medical records. Claimant shall be afforded the opportunity to submit additional evidence and to testify at a supplemental hearing.

Lafayette, Louisiana, this 9th day of January, 2006.


C. Michael Hill
C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE